

Exhibit B

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CENTRAL SECTION

LOUIS P. ALBERGHINI,
Plaintiff,

V.

SIMONDS INDUSTRIES, INC.,
Defendant.

CIVIL ACTION NO. 04-40092-FDS

AFFIDAVIT OF MARCIA L. ELLIOTT, ESQUIRE

I, Marcia L. Elliott, Esquire depose under oath as follows:

1. I am an attorney duly licensed to practice law in Massachusetts and the federal district courts of Massachusetts.

2. I am the attorney of record for the Plaintiff, Louis P. Alberghini in the above captioned matter.

3. I have personal knowledge of and have reviewed all documents produced by the Defendant in discovery at one point or another in the litigation of this matter, including documents produced in the proceedings at the Massachusetts Commission Against Discrimination.

4. After a diligent search of our discovery files in this case, it has come to our attention that we have two copies of the typewritten document that the Plaintiff submitted with his opposition to Defendant's motion for summary judgment at Appendix 14 along with another handwritten document. One of the copies contains handwritten ages.

5. Due to the voluminous documents in this case, several paralegals and interns have been given assignments regarding the discovery documents and could have mistakenly written on the typewritten document in question. However, the origin of typewritten document with the handwritten ages is unclear. As I was working on the opposition out of state at the time of its submission, my office staff provided me a copy of the typewritten document with the handwritten ages only.

6. I am certain that the origin of any and all other documents relied upon in his opposition were the Defendant's responses to Plaintiff's document requests in the litigation of this matter either in the federal court or at the Massachusetts Commission Against Discrimination.

7. As Plaintiff's legal counsel, the Plaintiff does not now and never has alleged that the handwritten document and typewritten document at Plaintiff's Appendix 14 were produced as one document.

Signed under the pains and penalties of perjury this 17th day of January, 2006.

/s/ Marcia L. Elliott
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